IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.859 OF 2004

Housabai Tanaji Jagtap ..Petitioner.

Vs.

The Collector of Pune & Ors. ..Respondents.

....

Mr.R.S.Thakur for the Petitioner.

Mrs.M.P.Thakur, AGP for the State.

....

CORAM : F.I.REBELLO, J. AND

DR.D.Y.CHANDRACHUD, J.

24th February, 2006.

P.C. :

From the averments in the Petition and the reliefs which are prayed, we find that the appeal preferred by the Petitioner was dismissed on the ground that the Appellant had no interest in pursuing the matter. This order has also been

challenged before us by the Petitioner. This indicates that the Petitioner has interest. In the light of that, the order dated 30th August, 2002 is set aside and the matter is remanded back to the Appellate Authority for hearing the Petitioner and after giving an opportunity to dispose of the Appeal according to law.

The Petitioner to appear before the Appellate Authority on 13th March, 2006 at 11.00 a.m. for further directions. If the Petitioner does not remain present on that date, it would be open to the Appellate Authority to pass such order as the Appellate Authority thinks fit and proper. Rule made absolute accordingly. There shall be no order as to costs.

(F.I.REBELLO, J.)

(DR.D.Y.CHANDRACHUD, J.)